

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**CRM-A-334-MA-2016 (O&M)
Date of Decision: January 24, 2017**

Makhan Singh

.....PETITIONER(s).

VERSUS

Gurdev Singh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Parshant Bansal, Advocate, for the petitioner.

SURINDER GUPTA, J.(Oral)

Mr.Hardeep Singh, Advocate has appeared for the respondent and filed his power of attorney on his behalf which is taken on record.

Heard.

The complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act was dismissed due to his non-appearance on 1.2.2016. The plea raised by the petitioner is that due to mistake of the counsel for the petitioner, the date was in fact noted as 2.2.2016 and due to this reason, he could not appear on the date fixed.

The case was fixed for cross-examination of the complainant and in view of the plea raised by the petitioner, the absence of the petitioner on 1.2.2016 does not appear to be intentional.

Accordingly, the petition is accepted. Impugned order dated 1.2.2016 is set aside. The learned trial Court is directed to take up the case and decide the same on merits.

Parties are directed to appear before the trial court on 27.2.2017.

January 24, 2017
Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

***Whether speaking/reasoned:
Whether Reportable:***

***Yes/No
Yes/No***